

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6516
BILL NUMBER: SB 115

NOTE PREPARED: Jan 16, 2003
BILL AMENDED: Jan 16, 2003

SUBJECT: Resisting Law Enforcement with a Vehicle.

FIRST AUTHOR: Sen. Lubbers
FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill imposes a nonsuspendible mandatory minimum sentence for a person who uses a vehicle to commit resisting law enforcement. It provides that a person does not earn credit time while serving a mandatory minimum sentence.

Effective Date: July 1, 2003.

Explanation of State Expenditures:(Revised) Individuals found guilty of using a vehicle to resist law enforcement may spend additional time in prison. This bill provides for nonsuspendible, mandatory minimum sentences of 30 days, 60 days, 180 days, or one year depending on the number of prior unrelated convictions for this same offense.

Current Penalty Provisions for Resisting Arrest Using a Vehicle: Current statute provides for Class D, Class C, and Class B felonies for resisting arrest using a vehicle. This bill makes at least a portion of the sentences described below mandatory and nonsuspendible.

A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

A Class C felony is punishable by a prison term ranging from two to eight years depending upon mitigating and aggravating circumstances. The average length of stay in DOC facilities for all Class C felony offenders is approximately two years.

A Class B felony is punishable by a prison term ranging from 6 to 20 years depending upon mitigating and aggravating circumstances. The average length of stay in DOC facilities for all Class B felony offenders is approximately 3.7 years.

The average expenditure to house an adult offender was \$25,087 in FY 2001. Individual facility expenditures ranged from \$18,520 to \$54,465. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner.

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs Association, Department of Correction.

Fiscal Analyst: James Sperlik, 317-232-9866.